

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALONZO SPENCER OWENS,  
Plaintiff,

-v-

LORETTA A. PRESKA,  
Defendant.

21-CV-5210 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

On August 18, 2021, Plaintiff Alonzo Spencer Owens, proceeding *pro se*, moved for an extension of time to file a notice of appeal of the Court's June 21, 2021 dismissal of his case. (Dkt. No. 6.)

Owens argues that he did not receive notice of the dismissal until the Court mailed a physical copy of the dismissal order on July 23, 2021. Although Owens consented to receive electronic service, the Court is sympathetic to his argument. (Dkt. No. 2.) Indeed, to ensure that Owens received notice of the dismissal, the Court in the June 21, 2021 dismissal order directed the Clerk of Court to mail a physical copy of the order to Owens. (Dkt. No. 4.) It was only after Owens filed his July 16, 2021 letter following up on his complaint that the Court realized that the mailing had not been made promptly and that Owens was evidently unaware of the dismissal. (Dkt. No. 5.) Based on the delay in mailing the dismissal order to Owens, the Court finds excusable neglect or good cause, sufficient to extend Owens's time to file a notice of appeal. Fed. R. App. P. 4(a)(5).

Owens's motion for an extension of time is GRANTED. The Court extends his time to file a notice of appeal by 14 days.

The Clerk of Court is directed to mail a copy of this order to Owens and to close the motion at Docket Number 6.

SO ORDERED.

Dated: August 20, 2021  
New York, New York



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J. PAUL OETKEN  
United States District Judge